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No. 89-1399

In The

Supreme Court of the United States

October Term, 1989

INTERNATIONAL SOCIETY OF KRISHNA CONSCIOUSNESS OF CALIFORNIA, et al.,

Petitioners,

v.

ROBIN GEORGE AND MARCIA GEORGE,

Respondents.

On Petition For Certiorari To
The Court Of Appeal, State Of California
Fourth Appellate District, Division One

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE AND BRIEF AMICUS CURIAE OF THE WORLD HINDU ASSEMBLY OF NORTH AMERICA (VISHWA HINDU PARISHAD), COUNCIL OF HINDU TEMPLES OF NORTH AMERICA, NATIONAL FEDERATION OF INDIAN AMERICAN ASSOCIATIONS, GITA FORUM, GREATER ATLANTA VEDIC TEMPLE SOCIETY, HIMALAYAN ACADEMY, HINDU SWAYAMSEVAK SANGH, THE HINDU TEMPLE OF GREATER CHICAGO, INDIA ASSOCIATION OF NORTH TEXAS, INDIA HOUSE OF WORSHIP, INTERNATIONAL SWAMINARAYAN SATSANG ORGANIZATION, SATCHIDANANDA ASHRAM – YOGAVILLE, SATYA NARAYAN MANDIR, SRI VENKATESWARA SWAMI TEMPLE OF GREATER CHICAGO, VEDANTA SOCIETY OF SACRAMENTO, VEDANTA SOCIETY OF SOUTHERN CALIFORNIA, VEDIC CULTURAL SOCIETY, VEDIC DHARMA CENTER, and VIVEKANANDA VEDANTA SOCIETY, AS AMICI CURIAE IN SUPPORT OF GRANTING CERTIORARI

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MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Amici are major Hindu organizations or civil rights organizations that pay special attention to protection of the civil liberties of Asian-Indian Americans. The filing of this brief does not imply that all of the amici subscribe to the doctrines and practices of ISKCON. Amici merely insist that Hindus, among whom ISKCON devotees are to be numbered, must be free to exercise their religion in this country. That fundamental freedom was severely compromised in this case, where central beliefs and practices of the ancient Hindu religion were denigrated, and where the jurors were repeatedly invited to impose severe damages on the petitioners, at least in part because of these Hindu beliefs and practices.

The 760 million Hindus throughout the world account for one-sixth of the human family. Thirty million of these live in a diaspora outside of India, of which over half a million are estimated to live in the United States. Hinduism is the fourth largest religious community in this country, ranking after Christianity, Judaism and Islam. According to the 1980 Census of the United States, these Indian/Asian immigrants are the most highly educated and affluent of all minority groups in the country. Most of them are doctors and engineers.

Because so many organizations wish to join in this brief, the statements of interests of the various amici are described in the Appendix.

The parties may be relied upon to brief this Court about the principal constitutional arguments relevant to

the consideration of whether to grant review in this case. Amici file this motion and the attached brief for two reasons: (1) to clarify a factual matter relevant to the consideration of this case – the relationship of ISKCON to Hinduism, and (2) to urge another reason for granting the writ – governmental neutrality in religious matters.

First, contrary to the central premise of this lawsuit, ISKCON is not a "pernicious evil" (RT 8563) or a "pious fraud," (RT 212), but a legitimate form of the ancient and venerable Hindu religion. The bona fide character of this religion has been affirmed by every court in this county that has explored this issue. Not only do devotees of Krishna Consciousness share a common faith in a common deity with other Hindus, but thousands of Hindus in this country who are not formal "members" of ISKCON nevertheless regularly come to ISKCON temples on a regular basis to worship on Sundays and religious holidays. Thus the judgment in this case – which requires the forced closure of several temples and monasteries and their delivery to the enemies of the religion – will have a devastating impact on the religious practices not only of ISKCON devotees, but also of thousands of other Hindus. The imposition of such a disability on entirely innocent adherents stretches the doctrine of vicarious liability to the breaking point.

Second, this Court should grant the writ to clarify that the first amendment mandates a "benevolent neutrality," not hostility towards religion. One manifestation of hostility towards petitioners' religion was the "heresy trial" atmosphere of the proceedings below. The trial

court allowed scurrilous attacks by respondents on beliefs and practices regarded as sacred by Hindus for centuries. In the court of appeal respondents argued incoherently and with remarkable insensitivity to religious liberty that the very beliefs and practices which they had subjected to inflammatory testimony were either "not implicated" in the trial court proceedings, Respondents' Brief below, at 54-68, or if they were, then such involvement was necessary to satisfy an unidentified "compelling" state interest. *Id.* at 68-75.

Whether or not respondents continue to attack overtly in this Court the sacred beliefs they denigrated below, amici know full well that the central strategy of this litigation was to indulge in reprehensible mischaracterization of Hindu beliefs and practices. To allow this kind of outrageous behavior in American courtrooms sends a message to Hindus that they are outsiders, disfavored members of the religious community.

Amici have filed with the Clerk the written permission of the counsel of record for the petitioners to file this brief. This motion is required because respondents have refused consent. For the reasons submitted in this motion and the attached brief, amici respectfully urge this Court to grant this motion and to issue the writ in this case.

Respectfully submitted,

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QUESTION PRESENTED

This amicus brief addresses aspects of the second and third questions presented in the Petition for Certiorari. Because of their familiarity with Hindu beliefs and practices, amici suggest that these questions might be considered in terms of the following question: Whether the First Amendment prohibits an award of punitive damages against a bona fide religious body when that award was induced by inflammatory and derogatory statements to the jurors about the sincere religious beliefs and practices of an ancient and venerable religion.

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BRIEF AMICUS CURIAE

I. Relationship of ISKCON to Hinduism

Petitioners correctly identify ISKCON as "a monotheistic branch of devotional Hinduism, formally known as *Gaudiya Vaishnavism*." Pet. 2. Amici wish to clarify for this Court both the doctrinal meaning of this statement and the practical significance of this fact for thousands of Hindus in America who are not formally "members" of ISKCON,[1] but who appreciate, support and participate in religious programs and observances significant to the Hindu community.

A. *Doctrinal Meaning of relation of ISKCON to Hinduism*

Krishna Consciousness is a branch of Hinduism, a religious tradition dating to approximately 3,000 B.C. KI 3894, 6671. The bona fide character of this religion has been affirmed by every court in this county, state and federal,[2] that has explored this matter.

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[1] Because religious organizations in this country are thought of as voluntary associations, the concept of formal membership in a religious organization is a widely understood term. That concept, however, is foreign to religious thinking in India. Hindus in India regularly go on pilgrimage to pay homage to the deities in various temples, and throughout the world feel free to worship at any temple.

[2] See, e.g., *Heffron v. International Society for Krishna Consciousness*, 452 U.S. 640, 652 (1981) (recognizing *sankirtan* as a "ritual" within the protection of the first amendment); *ISKCON v. Barber*, 650 F. 2d 430, 443 (2d Cir. 1981); *Jaffe v. Akers*, 650 F. 2d 1018, 1020 (9th Cir. 1981); *United States v. Silberman*, 464 F. Supp 866, 872 (M.D. Fla. 1979) (citing cases).

Hinduism is one of the most ancient and venerable of the world religions. Morgan, *The Religion of the Hindus* 1 (1953). Krishna Consciousness is an offshoot of Vaishnavism, one of the major branches of Hinduism.[3] This branch emphasis devotion and prayer. Vaishnavism dates back more than 1500 years, but experienced a major revival in India in the early twentieth century. As a part of that revival, it later spread to American shores in the form of Krishna Consciousness and other Vaishnavic groups.

Although there are several branches within Hinduism, five elements of this ancient religion contribute to a certain unity among Hindus: (1) common scriptures, (2) common deities, (3) common ideals, (4) common beliefs, and (5) common practices.[4] The most common Hindu scriptures are the Vedas, Upanishads, Puranas, Dharshans, Yoga Sutras, the epics such as Ramayana and Mahabharata, and the Bhagavad-Gita, or the "Song of God." Of these, the Bhagavad-Gita is an authoritative Hindu scripture universally acknowledged as a profound source of spiritual insight and inspiration. "Coming into its present form probably A.D. 200, [the Gita] has had its ups and downs in popularity, but is now at a new peak in esteem. It has been called the 'New Testament of Modern

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[3] For a concise history of the development of various sects within Hinduism, see "Hinduism, History of," 9 *Encyclopedia Britannica* 908 (3d ed. 1976).

[4] Respondents subjected the following beliefs and practices held sacred by Hindus to ridicule and attack at trial: (1) reincarnation, (2) austerity and detachment from the world, (3) meditative chanting of the divine name, (4) early rising for communal prayer, and (5) vegetarian diet arising from reverence for all forms of life. See discussion *infra*, pp. 8-9.

Hinduism,' and it is well known that [Mahatma] Gandhi went to it for comfort and uplift more than any other religious classic." Soper, *The Religion of Mankind* 10 (1951).[5]

In the Bhagavad-Gita, the speaker, Lord Krishna, mentions three paths to salvation or realization: (1) knowledge (jnana); (2) selfless performance of duties (karma) and (3) devotion (bhakti). A devotee can reach the ultimate goal of God or self-realization by following any of these paths. "We find in the Geeta all known paths to perfection sketched out in the Vedas Jnana, Bhakti and Karma, by which 'upanishadic' Realization is reached. . . ." Chinmayananda, *The Holy Geeta* 45 (1978).

The twelfth chapter of the Bhagavad-Gita deals exclusively with the subject of devotion, or bhakti. Lord Krishna states: "Those who worship me single-mindedly and those who have unshakable faith, are for me the most learned in Yoga." *Bhagavad-Gita* 76 (Lal trans. 1965) Noted scholars have also acknowledged the significance of bhakti: "It is called bhakti, a word which means, as clearly as we can translate it, loving devotion. It is akin to the Christian idea of faith, though bhakti is more deeply impregnated with fervent emotion, emotion of the exuberant type of excessive physical and mental agitation.

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[5] The Bhagavad-Gita was a source of inspiration not only for prominent Indians such as Mahatma Gandhi, but also for the American transcendentalists of the nineteenth century, such as Ralph Waldo Emerson, see Head and Cranston, *Reincarnation: The Phoenix Fire Mystery* 227 (1977), and Henry David Thoreau, see Cranston and Williams, *Reincarnation* 227 (1984). Walt Whitman and other literary and intellectual giants of American civilization also cherished the Gita.

Slight traces of this attitude are to be found in the Upanishads, but it was in the Bhagavad-Gita – commonly called the Gita – that it began to exercise a powerful influence." Soper, *The Religion of Mankind* 110 (1951).

The ideals of bhakti have thus become one of the most important aspects of the Hindu religion. "Devotion and prayer are primarily two very important characteristics of the Hindu way of life. This concept, initially developed at the dawn of civilization, went on permeating through the years with such an intensity, that it was often asked if the Hindu society were all religion and spirituality." Varma, *Principles of Hinduism* 110 (1981).

From the fourth century A.D. onwards, the main body of worshippers in traditional Hinduism has been divided into two sects, one devoted to Visnu and the other to Siva. The branch of Hinduism propagating the doctrine of bhakti is Vaishnavism, which experienced its greatest expansion from the twelfth to fifteenth century. Many of the most revered Hindu philosophers and saints were themselves Vaishnavas, including Ramanuja (1018-1138), Madhva (1199-1278) and Lord Chaitanya Mahaprabhu (1486-1534), a medieval Bengali saint who is universally recognized as the founding teacher of modern Vaishnavism. Chaitanya inaugurated virtually all of the religious practices followed by Hare Krishna members today, most notably the chanting of Hare Krishna, both loudly, accompanied by drums and cymbals, and quietly, as a form of internal meditation. See Bhaktivedanta, *Teachings of Lord Chaitanya* (1968). "Chaitanya in his earlier days, was a great scholar fond of disputation and discourses. . . .Then he had visions in the temple which completely transformed him. He began to preach divine

love, bringing light and devotion to many. . . .'Love for the name of God, compassion for all living being and loving service to the devotees of the Lord' became his life-long message." Yatiswaranda, *Adventures In Religious Life* 178 (1959).

According to Sir Monier Williams, a distinguished nineteenth century Indologist, "Caitanya's disciples soon spread themselves over Bengal. . . .Their chief ritual consists of constantly repeating the name Krishna. A great many treatises have been written in support of their tenets, which are highly esteemed in Bengal." M. Williams, *Hinduism* 147 (1877).

As a direct offspring of Caitanya's movement, the American Hare Krishna movement was founded by His Divine Grace A.C. Bhaktivedanta Swami Prabhupada (Srila Prabhupada) in 1965.[6] Based upon the devotional

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[6] Srila Prabhupada came to America pursuant to the instruction of his spiritual master, His Divine Grace Srila Bhaktisiddanta Saraswati Thakhur, who revived Vaishnavism by establishing dozens of temples throughout India during the early twentieth century. So successful was Srila Bhaktisiddanta in this endeavor, that by the time of his death in 1936 he was recognized as the greatest exponent of Caitanya Vaishnavism in this century. In a 1974 address, G.S. Pathak, then Vice-President of India, noted: "Sri Bhakti Siddhanta Saraswati Goswami Maharaj whose birth centenary is being celebrated all over the country was one of the greatest followers of Sri Chaitanya Mahaprabhu. By founding the Chaitanya Math at Sree Mayapur and Gaudiya Maths all over the country he gave impetus to the Vaishnava movement started by Chaitanya Mahaprabhu. . . .In plunging into the task of propagating Sri Chaitanya's teaching he showed to millions of people in our country and abroad, the path of service to God and humanity." As cited in Yati, *Renaissance Of Gaudiya Vaishnava Movement* 217 (1978).

principles introduced by Caitanya, no serious scholar of world religions doubts that ISKCON is a bona fide branch of the ancient and venerable religion of Hinduism. See, e.g., "Hinduism, History of," 9 *Encyclopedia Britannica* 888, 920 (1976) (ISKCON is "essentially a *bhakti* movement, broadly following the precedents of Caitanya"); and see "Hare Krishna," 13 *Encyclopedia Americana* 796 (1986).

B. Practical Significance of Forfeiture of ISKCON Temples for Hindus

Hinduism is broadly tolerant of different branches. For this reason, the religious beliefs and practices of the devotees of Krishna Consciousness are revered and esteemed as venerable not only in India, but also by thousands of Hindus in this country and other parts of the world, who regularly come to worship at ISKCON temples on Sundays and religious holidays. Hence the severe penalty of forfeiture of ISKCON temples will have a profound impact on Hindus from India in this country who share a common faith in a common deity.

This burden imposed on Hindu worshippers in this country stretches the doctrine of vicarious liability to the breaking point. The overlapping religious consensus between devotees of Krishna Consciousness and other Hindus does not mean that either group has any *control* over the deeds and omissions of the other, let alone the close control generally thought necessary to invoke vicarious liability. Nevertheless, all will suffer the harsh penalty of

the closing of houses of worship they frequent, even if they are not formally "members" of ISKCON.

In many remote parts of America, various Protestant Christians worship at a church that is different from the one in which they are formally members. They do so not because there are no significant differences among denominations, but because of their spiritual need to worship, combined with a practical impossibility of doing so at a church in the same denomination within reasonable distance. For a while at least, a communicant in one denomination might worship regularly at the services of another denomination, without blurring the lines of confessional or institutional loyalty. The same is true of believers within the military services. Under these circumstances, the destruction of a church through fire or the confiscation of church property would work a severe hardship on non-members as well as members. For example, even though there are profound theological differences between Methodists and Episcopalians, an adverse ruling against the United Methodist Church that required the church to close several dozens of its places of worship would have an adverse impact on Episcopalians who frequent those Methodist houses of prayer. Similarly here, the confiscation of ISKCON temples will have a punitive impact on Hindus who worship regularly at these temples.

II. The First Amendment Mandates "Benevolent Neutrality," not Hostility towards Religion

A. The Hostility toward Krishna Consciousness Manifested in the Conducting of a Heresy Trial Violates the Religion Clause of the First Amendment

This Court should grant the writ to clarify and reaffirm that the first amendment mandates a "benevolent

neutrality," not hostility towards religion. See, e.g., *Walz v. Tax Commission of the City of New York*, 397 U.S. 664, 669 (1970).

Hostility towards petitioners' religion was manifested in the "heresy trial" atmosphere of the proceedings below, in violation of this Court's clear teaching in *United States v. Ballard*, 322 U.S. 78, 86-87 (1944). The trial court allowed scurrilous attacks by respondents on beliefs and practices regarded as sacred by Hindus for centuries.

The jury was allowed to hear and consider opinion testimony that was openly hostile to Hindu beliefs and practices that it purported to evaluate in a "neutral" and "scientific" manner. For example, Hindus believe that the soul, or living being, is continually reborn until it reaches the ultimate goal of self-realization. See, e.g., Head and Cranston, *supra*, at 34, Morgan, *supra*, at 125. This sacred belief in reincarnation was denigrated by the respondents' experts as evidence of their strange "brainwashing" hypothesis. RT 5179-80. Like Christians who follow the evangelical counsels of Jesus, devotees of Krishna Consciousness are called to a life of austerity and withdrawal from attachment to the world. See, e.g., Bhaktivedanta, *The Bhagavad-Gita As It Is* 821 (1972); Mahadevan, *The Hymns of Sankara* 66 (1970). This belief was also subjected to hostile treatment in the trial court. RT 5276-79. The meditative chanting of the divine name, analogous to the Roman Catholic practice of the rosary, was relegated by the respondents' experts to a "mind control device." RT 5349, 5165, 5937-38. Early rising for communal prayer, familiar in the Western monastic religious orders and among Muslims, was similarly evinced as proof of "brainwashing." RT 5938. Vegetarianism

among Hindus is not merely a health fad (although there is sound empirical evidence that it constitutes a superior nutritional diet[7]), but a dietary requirement that arises from Hindu reverence for all forms of life. This, too, was subjected to pseudo-scientific attack. RT 5345.

In the court of appeal respondents argued incoherently and with remarkable insensitivity to religious liberty that the very beliefs and practices which they had subjected to inflammatory testimony were either "not implicated" in the trial court proceedings, Respondents' Brief below, at 54-68, or if they were, then such involvement was necessary to satisfy an unidentified "compelling" state interest. *Id.* at 68-75. Whether or not respondents continue to attack in this Court the sacred beliefs they denigrated below, amici know full well that the central strategy of this litigation was to indulge in reprehensible mischaracterization of Hindu beliefs and practices.

Lawyers and judges in this society should not be free to prey upon the nativist bias of jurors, inviting them to impose a multimillion dollar judgment against a religious body that seems strange and foreign to their Western perceptions. In a society that exalts religious freedom as the first of the civil liberties and that does not allow heresy trials, the Hindu religion should not be exposed to slanderous attacks of the kind heaped upon Hindu beliefs and practices in the trial below. To allow this kind of outrageous behavior in American courtrooms sends a

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[7] See, e.g., Crosby, "Can a Vegetarian be Well-Nourished?," 233 *J. Amer. Med. Assn.* 898 (1975).

message to Hindus that they are outsiders, disfavored members of the religious community. *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring).

B. ISKCON is Entitled to the Same Protection that Other Faiths Enjoy under the Religion Clause

ISKCON, no less than other forms of religion, is equally entitled to the benefit of the protection afforded under the free exercise clause of the first amendment. If a religious community has no greater right of access to public fora to disseminate its views than its secular counterparts have, *Heffron v. ISKCON*, 452 U.S. 640 (1981), at the very least it ought not to be treated worse than other religious communities. *Larson v. Valente*, 456 U.S. 228 (1982).

Imagine a state that did not formally demand the closure of convents and monasteries with quite the same boldness as was exercised by Henry VIII or by the Soviet Union and its satellites in the pre-*perestroika* phase. Imagine a state that nevertheless achieved the same harm to religious liberty by barely "tolerating" the existence of a convent of Benedictine nuns or a monastery of Trappist monks, on the following terms: the convent or monastery might continue to exist if the nuns and monks abandoned their faith in an afterlife based on the resurrection of Jesus, changed their dietary habits to include USDA inspected beef, and gave up the practice of rising early to chant the office of Matins and Lauds.

To describe the hypothetical is to grasp at once that such a serious interference with religious practice would constitute not neutrality, but hostility. Now imagine the

same state allowing its tribunals to be used by enemies of the Catholic faith to seize the convents and monasteries, on the spurious view that they are the centers of brain-washing and mind control because of the same beliefs and practices mentioned above.[8] That is the very heart of what this litigation is all about. The central beliefs and practices of Hinduism were impermissibly put on trial, in a manner that would surely seem defamatory if the dietary requirement in question were the kosher laws of Judaism or if the belief in an after-life were the Christian faith in resurrection. Because this case would look very different if it had been brought against one of America's Jewish or Christian groups, this Court should grant the writ and make clear once again – as it did in the hey-day of hysteria against so-called "cults"[9] in the late 1970s and

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[8] That the means of achieving the end of financial ruin is the court system rather than a legislative enactment or an executive decree banning Krishna Consciousness does not render that means free from constitutional attack. The end is clearly impermissible, whether achieved through overt legislation or indirectly through the operation of the judicial system. See, e.g., *Kreshik v. St. Nicholas Cathedral*, 363 U.S. 190, reh. denied, 364 U.S. 855 (1960) (review of church polity by secular court violates First Amendment, whether such review is based on statute or "common law"); and *Presbyterian Church v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440 (1969), on remand, 225 Ga. 259, 167 S.E. 2d 658 (1969), cert. denied, 396 U.S. 1041 (1970) (secular court may not apply "implied trust" theory to determine religious orthodoxy).

[9] As one distinguished commentator has noted, the term "cult" is a thin disguise for hostility towards a religious movement with which one does not agree. L. Pfeffer, *Religion, State and the Burger Court* 201-34 (1984); see also Pfeffer, *Equal Protection for Unpopular Sects*, 9 NYU Rev. L. & Social Change 11 (1980).

early 1980s – that "[t]he clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." *Larson v. Valente*, 456 U.S. 228, 244 (1982).

It is also worth noting that an analogous case against a Christian missionary in India would not prevail under Indian law. Despite the significant differences between Indian religions and western religions, the Constitution of India affords broad protection to the proselytization and other missionary activities of various Christian groups in that country. See Const. of India, Art. 25 (1) ("all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion"); see, e.g., *Ratilal v. State of Bombay*, (1954) S.C.A. 538, 546 ("every person has a fundamental right not merely to entertain such religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others"); see also D. Basu, 1 *Commentary on the Constitution of India* 313-22 (3d ed. 1955). According to the Hindu faith and under Indian law, moreover, a consecrated mosque, temple, or church may no more be ordered sold to satisfy a debt or a judgment than may a public park, a road, or a village tank. Perhaps that is why this case has attracted so much attention in the Indian press. See, e.g., "ISKCON Ordered to Sell Temples," *The Times of India* (Bombay) March 23, 1990, at 1.

A little over two hundred years ago Thomas Jefferson wrote in the famous Virginia Statute for Religious Freedom that no one "shall be enforced, restrained, molested

or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief. . . ." See M. Peterson & R. Vaughan, *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History* xviii (1988). An amendment was proposed to this document that acknowledged that "Jesus Christ [is] the holy author of our religion." The rejection of that proposed amendment in 1788 was proof to Jefferson that "the great majority . . . meant to comprehend, within the mantle of [the Statute's] protection, the Jew and Gentile, the Christian and Mohammedan, the Hindu and the infidel of every denomination." As cited in G. Seldes, *The Great Thoughts* 206 (1985). There is no reason why Hindus should be excluded from the protection of the mantle of the First Amendment today.

In June of 1988, distinguished leaders of this country met in Williamsburg, Virginia, to sign a bicentennial document on religious liberty on the occasion of the 200th anniversary of the call of the Commonwealth of Virginia for a Bill of Rights. Known as the Williamsburg Charter, this document states: "a right for one is a right for another and a responsibility for all. A right for a Protestant is a right for an Orthodox is a right for a Catholic is a right for a Jew is a right for a Humanist is a right for a Mormon is a right for a Muslim is a right for a Buddhist – and for the followers of any other faith within the wide bounds of the republic. . . .Religious liberty finally depends on neither the favors of the state and its officials nor the vagaries of tyrants or majorities. Religious liberty in a democracy is a right that may not be submitted to vote and depends on the outcome of no election. A society is only as just and free as it is respectful of this right,

especially toward the beliefs of its smallest minorities and least popular communities." This Court should grant the writ to give practical meaning to these words.

CONCLUSION

For the reasons submitted in this brief, amici respectfully urge this Court to grant this motion and to grant the petition in this case.

Respectfully submitted,

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APPENDIX A: STATEMENT OF INTERESTS OF AMICI

The World Hindu Assembly of North America (Vishwa Hindu Parishad, VHP) is an international organization of Hindus, with worldwide activities conducted with the objectives of promoting unity, harmony, and brotherhood among people who follow, respect or believe in the multitude of religious and spiritual practices nurtured in India. In this country VHP has 36 chapters with memberships of over 3,000 families. VHP's interest in filing this brief lies in the common spiritual roots that ISKCON shares in the Eternal Principles of Hinduism. Although VHP does not advocate any particular form of ritualistic worship among its membership, it views with reverence the followers of all sects and philosophies within the Hindu fold. The religious beliefs and practices of the devotees of Krishna Consciousness are revered by hundreds of thousands of Hindus in this country. The jury verdict imposing excessive punitive damages might result in closing down of the ISKCON temples, with a destructive impact on all devotees of Lord Krishna. VHP urges this Court to keep in view that the constitutional right of religious freedom extends to newly settled minorities.

The Council of Hindu Temples of North America is a mutual benefit association of autonomous temples. Established in 1985, the Council has more than 20 members in the United States. Its main objectives are: to associate itself in the development of Hindu temples in North America; to extend technological expertise in the construction of Hindu temples; to build a central pool of services of priests, stapathis, silpis, Veda pundits,

Nadaswara vidwans, Harikatha bagawathars and scholars; to develop centers of learning for Indian languages, vedas, and culture; and to organize publications and maintain a central library dedicated to the Vedic heritage and Indian culture. The Council firmly supports the rights of Asian Indian-Americans to religious freedom.

The National Federation of Indian-American Associations is a nonprofit umbrella organization of over 300 Indian-American associations in the United States, with over 600,000 individual members. The objectives of the federation are: to represent the interests of the Indian-American community; to conduct, coordinate, and promote various social, cultural, and educational activities of common interest to the Indian-American community; to preserve and propagate the Indian cultural heritage; to foster friendship and understanding between Indian-Americans and other Americans; to mobilize the community in order to advocate actions favorable to the Indian-American community at all levels of the political process; and to raise, solicit, and manage funds to carry out the federation's purposes.

The Gita Forum is a nonprofit membership organization in the Dallas-Fort Worth metropolitan area. It was founded in 1980 to provide a forum in which to study the religious teachings and philosophy of Hinduism. The Gita Forum believes in the basic and fundamental freedom of worship protected by the United States constitution, and is deeply concerned by the organized attack on religion permitted in this case.

The Greater Atlanta Vedic Temple Society is a religious organization located in Georgia. It was founded to

disseminate Vedic philosophy and values, as propagated by Maharashi Dayanand Saraswati, who ignited the torch of the modern Hindu renaissance 150 years ago. The principal goals of this movement are to safeguard the rights of women and children, to uplift all humankind, to get rid of social evils and prejudices, to educate the public about religious intolerance and persecution, and to instill principles of health, longevity, nonviolence and peaceful coexistence. The movement has opened schools, hospitals and ashrams throughout the world, including the United States, wherever Hindus have migrated.

Himalayan Academy, a non-profit educational corporation, is the publisher of the international newspaper, *Hinduism Today*, the largest circulation Hindu religious newspaper in the world. The monthly paper was founded in 1979 to foster Hindu solidarity as a "unity in diversity" among all sects and lineages; to inform and inspire Hindus worldwide and people interested in Hinduism; to dispel myths, illusions and misinformation about Hinduism; to protect, preserve and promote the Hindu religion, especially the Saiva Dharma; and to nurture a truly Hindu spiritual renaissance. Four editions are presently published: International from San Francisco, Malaysian from Kuala Lumpur, Indian Ocean from Port Louis, Mauritius and Africa from Durban, South Africa. We appeal to the Supreme Court to intervene and accord our faith – the third largest and oldest living faith in the world – the same rights as others enjoy in this country without undue governmental interference. While the Academy observes that certain of the actions by ISKCON in this case are not in accord with Hindu culture and ethics – most notably those which offend the virtues of telling the truth and

respecting the family – still we have never doubted the sincerity and religious convictions of the ISKCON community. In fact, they provide exemplary models of good living, devotion and self-sacrificing service to others. Why should U.S. courts destroy them?

The Hindu Swayamsevak Sangh, Inc., U.S.A. (HSS) is a religious organization with its principal office located in New Jersey, and with branches throughout the country. HSS preaches Hindu Dharma and the Hindu religion, to keep the body and mind in sound condition.

The Hindu Temple of Greater Chicago is a religious organization located in Lemont, Illinois. It currently has a membership of over 4,000 families. The Temple was founded in 1978 to provide for the spiritual needs of the approximately 70,000 Hindus who live in the metropolitan Chicago area. The court order in this case to sell the temples of the petitioners constitutes a direct infringement of the basic human rights of all Hindus. Although India is a secular state, its constitution provides basic respect for freedom of religious worship. According to this tradition, the government could never require a temple or religious shrine to be sold in India.

The India Association of North Texas is a non-profit cultural organization located in Dallas, Texas. The Association has a membership of 1,100 families. It publishes a monthly magazine, *Bharati*, with a circulation of over 2,000. The Association's programs and activities benefit a community numbering over 5,000 families, which include Hindus, Christians, Muslims, Jains, and a host of other religious groups. The ISKCON temples in the United States provide a place of worship for over 200,000 Hindu

families as well as for tens of thousands of American devotees.

The India House of Worship (IHW) is a tax-exempt religious organization located in Silver Spring, Maryland. It was organized for the express purpose of providing a place of Hindu worship for the Asian-Indian community now settling in this part of the country. IHW organizes a programs of Bhajans, Kirtan, and Satsang to celebrate such Hindu festivals as Vasant Panchami, Maha Shivatri, Raam Navami, Mahaprabhuji Vallabhacharya Jayanti, Buru Purnima, Shri Krishna Jayanti with Nand Mahotsav, Banesh, Sharad Poonam, Annakut Mahotsav with Govardhan Puja, and Geeta Jayanti. IHW publishes the quarterly journal, *Samskar*. It also collects and ships used clothing to the poor and needy of India. In 1986 IHW established the Hindu Religious Educational Endowment Foundation for the purpose of preserving and propagating the rich Hindu heritage.

The International Swaminarayan Satsang Organization is a nonprofit religious organization in Houston, Texas. It serves the spiritual and cultural needs of Hindu communities throughout the world. It promotes understanding of Hinduism as a religious philosophy based on nonviolence and broad tolerance for the views of others. The fact that Hinduism has survived thousands of years of foreign invasions speaks for itself. The animosity towards Hinduism reflected in the record of this case is based on lack of understanding of the Hindu religion, which is entitled to equal respect and treatment, especially from the government. No personal or institutional prejudices should have any bearing on the exercise of the fundamental human right to freedom of religion.

Satchidananda Ashram – Yogaville is an international religious organization based in the Hindu tradition. It has affiliated centers throughout the United States and in several foreign countries. Its spiritual leader, the Rev. Sri Swami Satchidananda, is a Hindu monk and ecumenical leader respected throughout the world. He travels widely on behalf of spiritual unity and world peace. The organization, while based in the Hindu tradition, strongly advocates respect and unity among all the world's religions. This respect for others is within the best and highest traditions of Hinduism, which teaches that "Truth Is One, Paths Are Many." In harmony with this teaching, the organization has constructed the Light of Truth Universal Shrine (LOTUS) in Buckingham, Virginia, as a living monument to religious unity.

Satya Narayan Mandir is a religious organization located in Jackson Heights, New York. Its regular worship services meet the religious needs of the Indian community, particularly of those who are Hindus.

Sri Venkateswara Swami Temple of Greater Chicago is a nonprofit religious organization located in Aurora, Illinois. It has approximately 7,000 devotees who have helped to construct the Temple and who have continued to give strong support. The Temple supports the right of all persons, including Hindus, to have freedom to practice their respective religion.

The Vedanta Society of Sacramento and the Vedanta Society of Southern California are spiritually affiliated with the Ramakrishna Math and Mission in India. The first Vedanta Society in the United States was established in 1896 in New York by Swami Vivekananda, who came

as a representative of Hinduism to the Parliament of Religions in 1893 in Chicago. The Vedanta center in Hollywood was founded in 1930, and several well-known writers such as Gerald Heard and Christopher Isherwood were actively associated with it. Vedanta teaches fundamental spiritual truths about, man, God and the world. It is free from dogmatism or religious fanaticism and seeks the unity and harmony of all religions. Vedanta is the basis of all the different facets of Hinduism. The most ancient of the world religions, Hinduism is worthy of respect in this free society.

The Vedic Cultural Society (VCS) is a Hindu organization based in Baton Rouge, Louisiana. Founded over twenty years ago, VCS provides religious and cultural experiences of Eastern society to persons of all faiths. As its name implies, these experiences are based upon the Vedic scriptures, and provide a unique personal and intimate cultural education and religious base to families seeking such an identity. In furtherance of this objective, VCS organizes lectures by scholars, group discussions, religious retreats, and ther social and cultural events. In 1980, it hosted the World Hindu Conference. Members of VCS adhere to many of the beliefs and engage in many of the practices taught in the Bhagavad-Gita, including those denigrated by the proceedings in this case.

The Vedic Dharma Center is a religious organization located in Sugarland, Texas. It was founded in 1988 for the purpose of providing a place of worship of Lord Sri Krishna for Indian Hindus in the metropolitan area of Houston, Texas. The Center is concerned about the rights of Asian Indians in general, and in their right to full religious liberty in particular. We have full faith that the

United States Supreme Court will provide justice, without prejudice based on the race, gender, age, or religion of any person.

The Vivekananda Vedanta Society was founded in 1938 for the purpose of promoting the study of religion in its universal aspects. It operates two centers, one in the Hyde Park area of Chicago, the other in Ganges, Michigan.